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Civil Action No. 7:07cv430

ORDER ADOPTING REPORT AND RECOMMENDATION

By: Judge James C. Turk

Senior United States District Judge

ORDER

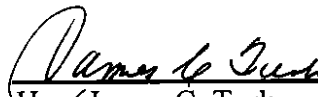
The court referred the matter to United States Magistrate Judge Michael F. Urbanski for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). After due consideration, the Magistrate Judge filed such a report, finding that the ALJ did not commit reversible error in its treatment of Dr. Mann's opinion. The Magistrate Judge also found, however, that the ALJ's "one line of analysis" devoted to Dr. Chen's findings was not "a sufficient explanation under the regulations for why the ALJ discounted Dr. Chen's opinion." As a result, the Magistrate Judge concluded that the ALJ's decision could not be said to be supported by substantial evidence, and it was recommended that the court remand the case back to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative consideration consistent with the findings of the Report and Recommendation, including an appropriate evaluation of Dr. Chen's opinion and medical records.

Following the issuance of the Report and Recommendation, the parties were entitled to note any objections within ten (10) days. Fed. R. Civ. P. 72(b) (2008). The Court received no such objections. In the absence therefore, and having reviewed the Magistrate Judge's Report and Recommendation and pertinent portions of the record, the court agrees with the Magistrate Judge's recommendation. Accordingly, it is hereby

ORDERED and ADJUDGED

that the Magistrate Judge's Report and Recommendation is **ADOPTED** and the case be remanded to the Commissioner of Social Security for further consideration. The Clerk of Court is directed to send copies of this Order to counsel of record for all parties.

ENTER: This 3rd day of December, 2008.

A handwritten signature in black ink, appearing to read "James C. Turk", is written over a horizontal line.

Hon. James C. Turk
Senior United States District Judge